

## REMARKS

Examiner Brier is thanked for the courtesies extended to Applicants' representative, Kevin McGoff, during a personal interview on November 22, 2005. At that interview it was agreed that claims defining background image data and document image data and that the document image data in the extracted document blocks was less than all the document image data in the entire digital image would define over the cited document. Also, an agreement was reached that the claimed subject matter in the new dependent claims relating to generation of character code data including font size, as disclosed in the specification, was not disclosed or suggested by the cited document.

In view of the agreements reached during the Examiner Interview, the foregoing amendments are made and the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

### **Amendments to the Specification**

Paragraph [0035] of the specification is amended to recite "image area 20 containing a photographic image (including graphics)." Support for that amendment can be found in the priority Japanese Application No. 2000-267305, a translation of the relevant paragraph being provided below.

[0035] "In step S107, an area discrimination process is executed by the area discrimination section 173. Specifically, the discrimination section 173 discriminates character image regions 18 where character images exist and photographic image regions 20 where photographic images (including graphics) exist in the document image data. Since this area discrimination method is public domain, detailed explanation thereof is omitted. Further, the area discrimination section 173 extracts the character image regions 18 and generates character image data 22 (refer to Fig. 6), and extracts the photographic image regions 20 and generates photographic image data 24 (refer to Fig. 7)."

It is noted that the present application incorporates the priority application by reference. Accordingly, the amendment is not new matter.

**35 U.S.C. §101:**

The Official Action rejects Claims 1-34 and 37-41 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

It seems that the Examiner is of the belief that the claims define subject matter that could be performed in a mental step, and is therefore not statutory subject matter. Applicant's believe that the Examiner's position could be traversed and reserve the right to do such at a later time. Nevertheless, Claims 1, 9, 17, 27, 32 and 33 are amended to more clearly fall within the realm of statutory subject matter. That is, the claims are amended to more clearly define steps that could not be performed mentally and which produce a tangible result. For example: Claims 1, 9, 17, 27, 32 and 33 include recitations directed to digital image data and generation of character code that is laid out, thereby defining subject matter that cannot be performed mentally and produces a tangible result. Should it be believed that generation of character code data from digital image data is abstract and is not a tangible result, it is requested that that line of reasoning be explained.

**Art Rejections:**

Claims 1-33 and 36 have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,179,650, hereinafter *Fukui*.

The claims of the present application have been amended to more clearly distinguish over the applied prior art. Specifically, Claim 1 is amended to define that

at least one document block is extracted from an entire digital image, each portion of data of the digital image including at least one of document image data and background image data, each portion of document image data including at least one of character image data representing character images and photographic image data representing photographic images and graphic images, wherein the extracted at least one document block is less than all of the document image data in the entire digital image. Support for that subject matter can be found in the drawings and corresponding description, specifically Fig. 4 which shows less than all the character data being extracted. Also, support can be found in amended paragraph [0035] of the present application and corresponding paragraph [0035] of the Japanese priority Application.

Claims 9, 17, 27, 32 and 33 are similarly amended.

As discussed and agreed upon during the Examiner interview, *Fukui* seems to disclose a method and apparatus for editing documents where a document is scanned, the document characteristics are extracted from all the document data (column 5, lines 2-3), and based on the characteristics extracted, all of the document image data is extracted, recorded and reproduced in the resulting product.

Document image data contains "elements such as article data, graphic data and image data..." (column 3, lines 17-22). Fig. 17 in *Fukui* shows three scanned pages having a document data portion that does not fill all the available space on three pages (column 8, line 34). The three pages are scanned and all the document image data is extracted and rearranged to fit onto two pages having less excess available space than before (column 8, lines 38-45).

One of the differences between the claimed subject matter and *Fukui* relates to the extraction of document blocks from an entire digital image. That is, Claim 1 defines that at least one document block is extracted from an entire digital image, that each portion of data of the entire digital image is at least one of document image data or background image data, each portion of the document image data is at least one of character image data representing character images and photographic image data representing photographic images and graphic images, and that the at least one extracted document block is less than all of the document image data in the entire digital image. Basically, according to the claimed subject matter, a portion of the characters and photographs present in the entire digital image is extracted in the document block, thereby leaving some behind. An embodiment of this idea is illustrated in Fig. 4 of the present application, where only a portion of the character data is extracted in the document block from the entire image.

In contrast to Claim 1, *Fukui* discloses extracting all the document image data from the entire image. As shown in Fig. 17 of *Fukui*, document data and background data are present, and all the document data is extracted from the three pages and rearranged onto two pages. The amount of extracted document data is equal to the amount of document data present in the entire image. For at least that reason, the disclosure in *Fukui* does not disclose or suggest the subject matter defined by Claim 1.

For similar reasons as that set forth for Claim 1, Claims 9, 17, 27, 32 and 33 are allowable at least because *Fukui* also does not disclose or suggest the subject matter generally directed to extraction of document blocks having less than all the document image data in the entire image.

**New Claims**

Claims 42-47 are newly added and generally define that character code data includes at least font size. Support for that subject matter can be found on at least page 13, line 14 of the present application.

As discussed and agreed upon during the Examiner interview, *Fukui* seems to disclose detection of character images or shapes, but does not disclose or suggest generation of character code data as discussed in the present application, e.g., the character code data including at least font size. For at least that reason, Claims 42-47 are allowable over *Fukui*.

**Conclusion**

For at least the reasons stated above, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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By: \_\_\_\_\_



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